

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

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|--------------------------|---|----------------------|
| JOSEPH HANEY, | : | CASE NO. 5:22-CV-651 |
| Plaintiff, | : | OPINION & ORDER |
| | : | [Resolving Doc. 13] |
| vs. | : | |
| COMMISSIONER OF SOCIAL | : | |
| SECURITY ADMINISTRATION, | : | |
| Defendant. | : | |
| | : | |

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Joseph Haney seeks judicial review of the Social Security Administration Commissioner's final decision denying his application for Disability Insurance Benefits ("DIB").¹

On June 16, 2023, Magistrate Judge Thomas M. Parker issued a Report and Recommendation ("R&R") recommending that the Court vacate and remand the Commissioner's final decision.² On June 28, 2023, Defendant filed a response to the R&R saying that the Commissioner would not file objections.³

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.⁴ Absent objection, district courts may adopt an R&R without review.⁵ Defendant did not object to the R&R, and this Court may adopt

¹ Doc. 1. Plaintiff and Defendant filed merits briefs. Docs. 9 and 11. Plaintiff filed a reply. Doc. 12.

² Doc. 13.

³ Doc. 14.

⁴ 28 U.S.C. § 636(b)(1).

⁵ *Thomas v. Am*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

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Magistrate Judge Parker's R&R without further review.

Accordingly, the Court **ADOPTS** Magistrate Judge Parker's R&R, and **VACATES** and **REMANDS** the Commissioner's final decision.

IT IS SO ORDERED.

Dated: September 11, 2023

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE